

CHAPTER 10 ACTION MEMORANDUM

10-1. Introduction.

a. This chapter discusses the purpose and format of the Action Memorandum. Specific language to be used in an Action Memorandum for OE response actions is also provided.

b. The Action Memorandum is a concise document that identifies the response action chosen for implementation at a site. The Action Memorandum may also reserve the appropriate funding needed for the proposed response action. An Action Memorandum is required prior to implementation of TCRAs and NTCRAs.

c. As the primary decision document for the OE response action, the Action Memorandum serves the following functions:

(1) Substantiates the need for the response action.

(2) Identifies the proposed action.

(3) Explains the rationale for the response action selection.

(4) Documents that the appropriate process was followed in the selection of the response action.

10-2. Applicability.

a. NTCRAs. An Action Memorandum will be prepared for all NTCRAs performed under CERCLA after the EE/CA has been made available for public review and comment. For NTCRAs, the Action Memorandum is based on information contained in the EE/CA Report and consideration of public comments and community concerns. The same agency that prepared the EE/CA should prepare the EE/CA Action Memorandum.

b. TCRAs. The contents and review process for a TCRA Action Memorandum are discussed in Chapter 5.

10-3. Action Memorandum Format.

a. Since the Action Memorandum records the decision of the selected alternative or substantiates an NDAI recommendation, it must be written in a clear, concise manner. For NTCRAs, detailed information from the EE/CA should not be repeated in this document but rather should be incorporated by reference to the EE/CA Report, as appropriate.

b. The format for the Action Memorandum is shown in Table 10.1 and discussed in the following paragraphs.

Table 10.1
Action Memorandum Format

| Section | Topic |
|---------|---------------------------------------|
| 1 | Introduction |
| 2 | Statement of Basis and Purpose |
| 3 | Project Justification |
| 4 | Alternatives Considered |
| 5 | Highlights of Community Participation |
| 6 | Coordination Summary |
| 7 | Selection Criteria |
| 8 | Description of Selected Remedies |
| 9 | Trade Off Analysis |
| 10 | Documentation of Significant Changes |
| 11 | Responsiveness Summary |

(1) Introduction. This section identifies the site and provides a short declaration of intent. For example: “A project including the physical removal of explosives is proposed to eliminate explosive ordnance hazards and to manage residual risk is approved for (site name and location).”

(2) Statement of Basis and Purpose. This section provides a brief background of the site, including the basis and purpose for the response action. Include the statement “This decision document presents the selected action for (Site Name) in (Location) which was chosen in accordance with the (Defense Environmental Restoration Program or BRAC, as appropriate).” The Ordnance Response Program addresses “other environmental damage (such as the detection and disposal of unexploded ordnance) which creates an imminent and substantial endangerment to the public health, welfare, or the environment.” The decision process is consistent with the National Oil and Hazardous Substances Pollution Contingency Plan. The basis for this decision is documented in the Administrative Record for the site. This record is available at (location). The State/Commonwealth of _____ (concur or does not concur) with the selected alternative.”

(3) Project Justification. This section provides a brief justification for the project, including a statement that the results of any investigations at the site reveal the presence of ordnance contamination and that the public has access to the site, which would create a situation in which the ordnance poses an imminent and substantial endangerment to public safety, welfare, and the environment. It provides a brief summary of the findings of any site investigations.

(4) Alternatives Considered. This section provides a brief summary of the alternatives that have been considered for the site.

(5) Highlights of Community Participation. This section includes a statement that all public involvement requirements have been satisfied and a summary of all coordination efforts (e.g., dates of public meetings, media days).

(6) Coordination Summary. This section provides a summary of all coordination efforts and should include the following statement, as applicable: "This project has been coordinated with (state agencies, etc.). All phases from Work Plans through field work to the draft and final EE/CA were reviewed by (state agencies, etc.). (Both, all) were active participants in the project and support the findings of the EE/CA."

(7) Selection Criteria. This section provides a summary of the criteria used to evaluate the alternatives. Include the following statement, as applicable: "The selection criteria used to evaluate the alternatives included effectiveness in reducing the public safety risks, implementability, and cost criteria. These criteria are further discussed in Section () of the EE/CA."

(8) Description of Selected Remedies. This section presents the remedy(ies) selected for the site or each sector of the site, as applicable.

(a) When further action is recommended, the Action Memorandum will include a brief summary of the OE risk factors identified and documented in the EE/CA. These sections should highlight land use, development, and access considerations for the site or sector of the site as well as any activities that could increase the risk of an OE accident.

(b) When an NDAI determination is recommended, the Action Memorandum must fully substantiate the recommendation in a manner consistent with the approved NDAI ESS and EE/CA Report. The Action Memorandum should also address any long-term monitoring activities which may be required.

(9) Trade Off Analysis. This section includes the following statement, as applicable: "The alternative recommended for each sector is the best alternative for that sector, as determined by the EE/CA."

(10) Documentation of Significant Changes. This section includes the following statement: “If the actions outlined in this Action Memorandum are delayed or not taken, the potential exists for continued and substantial endangerment to public health, welfare, and the environment.”

(11) Responsiveness Summary. This section provides a summary of all public involvement activities.

10-4. Action Memorandum Review and Approval Process.

a. The Action Memorandum is executed by the OE Design Center. Assistant Chief of Staff for Installation Management approves all Action Memorandums for projects greater than \$6 million, including NPL projects. The OE MCX will review the Action Memorandum and concurrence by HQUSACE is required.

b. The MSC Commander approves Action Memorandums for projects between \$2 million and \$6 million, in addition to all NPL projects under \$6 million.

c. The District Commander approves non-NPL Action Memorandums for projects less than \$2 million.